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JAN 9 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

January 9, 1995

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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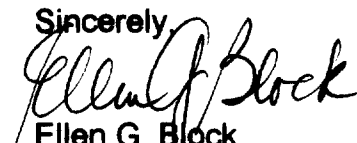
**RE: Revision of the Commission's Rules to Ensure
Competibility With Enhanced 911 Emergency
Calling Systems. CC Docket No. 94-102**

Dear Mr. Caton:

Pursuant to Sections 1.415 and 1.419 of the Commission's Rules, attached please find an original and 4 copies of the joint Comments of the Ad Hoc Telecommunications Users Committee, the California Bankers Clearing House and the New York Clearing House Association, in the above captioned matter. Please date stamp the additional copy and return it with our messenger.

If you have any questions regarding this filing, please do not hesitate to call.

Sincerely,


Ellen G. Block

cc. Chairman Reed Hundt
Commissoner James Quello
Commissioner Andrew Barrett
Commissioner Susan Ness
Commissioner Rachelle Chong
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Revision of the Commission's rules
to ensure compatibility with
enhanced 911 emergency calling
systems

CC Docket No. 94-102

RM-8143

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**Comments of the Ad Hoc Telecommunications
Users Committee, the California Bankers Clearing House
and the New York Clearing House Association**

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Dated: January 9, 1995

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SUMMARY

The Ad Hoc Telecommunications Users Committee, the California Bankers Clearing House and the New York Clearing House Association support the general goals of this proceeding, but are concerned that the Notice of Proposed Rulemaking does not take account of the enormous variety of settings in which the proposed rules would have to operate. As proposed here, the rules would be unnecessarily burdensome and, in some cases, would frustrate the Commission's larger goals.

The proposed rules do not state how calling station location information is to be gathered, formatted, stored, accessed or protected -- or who is financially and legally responsible for these tasks. Nor do the rules address issues raised by frequent modifications in the location information (members of the commenting organizations have experienced annual change rates of 40-80% at some sites). Moreover, the rules could have a profound effect on existing emergency response procedures -- issues that are squarely within the expertise of other agencies.

A one-size-fits-all approach will simply not work. We urge the Commission to withhold action on the proposed rules until it has obtained more extensive information and has sought guidance from other expert agencies and from the businesses on whom many of the proposed obligations will fall. The Commission should convene an advisory committee for this purpose.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Revision of the Commission's rules
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**Comments of the Ad Hoc Telecommunications
Users Committee, the California Bankers Clearing House
and the New York Clearing House Association**

I. Introduction

In the Notice of Proposed Rulemaking in the above-captioned proceeding, the Commission proposes to "address issues raised by the provision of 911 and enhanced 911 services through certain telecommunications technologies."¹ The proposed rules may be a well-intentioned effort to "promot[e] safety of life and property through the use of wire and radio communication."² The undersigned commenters, the Ad Hoc Telecommunications Users Committee, the California Bankers Clearing House and the New York Clearing House Association, support those goals, but urge the

¹ Notice of Proposed Rulemaking ("NPRM"), ¶ 1. The Commission also proposes rules governing access to E-911 services by users of mobile telephone systems. These comments do not address those issues.

² See NPRM, ¶ 7.

Commission to refrain from acting in this matter until it has informed itself thoroughly about the significant operational, financial and legal implications of its proposal for the owners of the PBXs and other multi-line telephone systems that serve the broad range of workplaces in America.³ Only by paying close attention to these issues can the Commission ensure "a regulatory system that protects and promotes the public welfare without imposing intolerable irrational burdens on those who are regulated."⁴ We suggest that the Commission convene an advisory committee to ensure that it has the benefit of relevant information and expert recommendations.

II. The Proposed Rules

The proposed rules would require PBXs, key systems and other multi-line telephone systems sold after a certain date to have the capability to pass through to the telephone company 911 system (for transmission to the appropriate public safety agency) the number of the calling station, caller location information and a call-back number for stations served by such equipment. NPRM, Appendix C, § 68.320(b) and (f). The equipment must also

³ Many of these issues were raised by parties commenting on the Petition for Rulemaking filed by AdComm Engineering Company on October 28, 1992. See Amendment of the Commission's Rules to Define Effective Means for Interworking of Customer Premises Equipment and Public Enhanced 9-1-1 Systems, RM 8143, Reply Comments of the NYNEX Telephone Companies at 2 n.4 (filed February 11, 1993) (summarizing concerns raised by others); Comments of the South Carolina Budget and Control Board at p. 2 (filed January 28, 1993) (citing technical and financial hardships on those that enhanced 911 systems are intended to serve). Those concerns are equally applicable to the Commission's proposed rules.

⁴ 59 Fed. Reg. 57,003 (1994) (Statement of Vice President Gore).

be capable of notifying an on-site attendant of the station number and location whenever a 911 call is dialed. NPRM, Appendix C, § 68.320(e).

Upon installing a piece of equipment that complies with the new rules, the customer would be required to provide the telephone company with the "number of stations that may originate emergency calls" and "the number of, and identification of emergency response locations [*i.e.*, calling stations] that will require number identification." NPRM, Appendix C, § 68.106(f)(2) and (3).

System owners would be prohibited from blocking access to public safety agencies and would be required to permit such access by dialing "911" without any prefix or other digits. NPRM, Appendix C, § 68.320(c).

Finally, the proposed rules would require that trained and experienced personnel install the PBX and other multi-line systems and that such personnel verify the proper transmission of station number identification information, as well as any subsequent additions, deletions or changes in that information. NPRM, Appendix C, § 68.228(a)(1) and (e).

Contrary to the representation of AdComm Engineering that the rules are "simply intended to align interface approaches without proposing to control user implementations or local exchange carrier (LEC) services,"⁵ the rules appear to require system owners to compile and maintain data bases for small key systems -- and for the thousands of stations that may be served by a single PBX. The rules would also, in some instances, require major changes in

⁵ NPRM, ¶ 13.

the way workplace emergencies are currently handled. In sum, these rules appear to place complex and potentially costly burdens on every employer in the United States that owns its own multi-line telephone system.

**III. The Proposed Rules Raise a Host of
 Operational Questions**

The Commission has asked whether its proposals "permit sufficient flexibility in conforming PBX equipment to the needs of their owners while ensuring that the locations of callers to 9-1-1 are properly identified to [public safety answering position] operators." NPRM, ¶¶ 21, 60. The answer to the Commission's question is difficult to ascertain, because many critically important issues are not addressed by the proposed rules or the accompanying text. These issues relate to the compilation and maintenance of station location data bases, apparent conflicts between the proposed rules and existing emergency reporting systems, and the effect of the proposed rules in compelling companies to purchase more DID trunks (and demand more telephone numbers) than good business and network engineering practices would require.

**A. The Compilation and Maintenance of
 Station Location Data Bases is Far More
 Complex than the Proposal Contemplates.**

The Commission states that "accurate caller location information is vital to ensuring the timely delivery of emergency services through the public switched telephone network." NPRM, ¶¶ 13, 24. Critical as this station location

information may be to the Commission's plan, the proposed rules leave unanswered key questions regarding the information that the data bases must contain, including:

- whether location information must be provided for all telephones served by a multi-line system?
- how detailed such information must be -- building? floor? room or workstation number?
- how locations must be identified if buildings, rooms, workstations or other sites are not numbered or otherwise identifiable in a systematic way?
- what format must be used for the information?

The variety of location identifiers currently in use by businesses makes these questions far from hypothetical. The location of telephone stations throughout such establishments as retail stores (e.g., home furnishings, men's accessories), securities firms (e.g., trading floors), airports (e.g., gates, maintenance facilities), university campuses (e.g., laboratories, dormitories) and auto plants (e.g., loading docks, assembly lines) do not lend themselves to uniform descriptions. Moreover, unique situations inevitably arise. For example, an airline may assign a single station number at an airport to the ticket counter, the gate and the jet bridge, so that an agent processing airline passengers will be able to answer the telephone no matter where he or she may be located. The proposed rules give no hint of what location information the airline would be required to provide in this case.

Even standard office environments vary greatly from company to company. The Commission should by no means assume that most or even a substantial fraction of workplace telephones are located in offices or

workstations that are numbered or otherwise identifiable by some systematic means. And those companies that do identify their offices and workstations may use a variety of numbering schemes. For example, a large financial institution that is a member of one of the undersigned organizations has a 3-building complex in which over 5,000 stations are served by a single PBX. The offices and workstations are identified by building, floor and number (e.g., C-3-258 is Building C, 3rd floor, office 258). Another member company has approximately 7,500 stations in a single large building over a half-mile in length where office and workstation locations are identified with less precision (e.g., B-3-W is Building B, 3rd floor, West wing). Yet another member company houses over 7,000 stations in an office complex in which locations are identified by building, floor and location on a grid (e.g., 030743 identifies the building, floor and x/y coordinates of an office).

Even if the content and format of station location information could be governed by rules that are consistent across industry lines, the problem of maintaining and updating the information would remain. Although the draft rules do not clearly address the issue, the Commission states that its proposal contemplates "accurate and timely database maintenance". NPRM, ¶ 24. The requirements of accuracy and timeliness may impose considerable burdens. When an employee moves within a company facility, his or her telephone number is typically transferred with the individual to the new worksite. While some employees (and their telephone numbers) may rarely be moved, other work environments may require frequent relocations. For example, one member

company organizes several hundred computer programmers into teams that are frequently moved, dissolved and/or re-formed. In that company, 6,000 of the 7,000 stations served by 2 PBXs were moved in one year. In 1993 another member company moved 40% of the approximately 15,000 telephones at one of its multi-building locations. For each move, the data base must be changed to reflect the new location identifier.

It is not clear from the NPRM whether the Commission proposes to require all owners of PBXs, key systems and other multi-line systems to guarantee the on-going accuracy of all location information.⁶ If the Commission intends to create a standard of care -- and thus create potential legal liability for all employers owning their own telephone systems -- it should state so explicitly so that the public may comment on that aspect of the proposal.⁷

**B. The Proposed Rules May Conflict with
 Existing Emergency Reporting Systems.**

The proposed rules would require that businesses provide direct access to a public safety answering point whenever a caller dials "911." In other words, the caller must be connected with a public safety agency without having to first dial "9" or whatever other digit is used to secure an outside line in all other cases. NPRM, ¶ 22. The proposed dialing pattern would conflict with the

⁶ If such information is to be transmitted to and stored by an entity other than the PBX owner, that entity should bear the risk of inaccuracies resulting from unauthorized access.

⁷ The proposed requirement that all new PBXs and other multi-line systems have attendant notification capability, see NPRM, ¶ 23, raises a similar concern and requires similar clarification.

widespread convention that uses an initial "9" to secure telephone company dialtone. As a consequence, people who have for years used "9-911" to reach public safety agencies must now learn to use "911."

The proposed dialing pattern would also create confusion for employees of companies that have internal security and/or medical personnel that are today reached by dialing "911". Those individuals would now have to learn some other number to reach on-site personnel for circumstances that do not warrant the involvement of a public safety agency.

Businesses undertake a range of measures to protect the security and safety of their employees and others who frequent the premises they own and operate. The Commission's efforts to impose a uniform means of accessing public safety agencies may cause considerable confusion and, further, may inadvertently conflict with industry practices involving on-site security and/or medical personnel who may be better prepared to respond to emergencies more quickly and with more appropriate equipment than public agencies.⁸

**C. The Proposed Rules Would Increase the
Need for DID Trunks and for Numbers.**

Not all PBX locations are served by DID trunks. There are several sound business and technical reasons for this practice. The direct costs of DID trunks are substantial, as several commenters on the AdComm petition have

⁸ Federal, state or local statutes and/or agency regulations may dictate such on-site practices, as well as procedures for contacting public safety agencies. See pages 12-13 below.

already noted.⁹ There may be indirect costs as well for, as one member company reports, the screening of incoming calls by a company operator can boost employee productivity by limiting the distraction of in-coming personal telephone calls. Finally, as the Commission notes, any requirement for more DID trunks would put pressure on the supply of telephone numbers.¹⁰

While the draft rules do not expressly require that all stations be served by DID trunks,¹¹ it is possible that the proposal would create a standard of care effectively compelling that result.¹²

IV. The Proposed Rules Also Raise Questions of Cost and Legal Liability.

The proposed rules gloss over several important cost and legal considerations in addition to the operational matters described above. In

⁹ See Amendment of the Commission's Rules to Define Effective Means for Interworking of Customer Premises Equipment and Public Enhanced 9-1-1- Systems, RM 8143, Comments of GTE Service Corporation at 3 (filed January 28, 1993); Reply Comments of the North American Telecommunications Association at 3 (filed February 12, 1993).

¹⁰ NPRM, ¶ 14.

¹¹ The proposed rules do, however, require that PBX owners provide the telephone company with call-back numbers. NPRM, Appendix C, § 68.320(f). The rules also require telephone companies to supply 10-digit numbers for stations identified as "emergency response locations" -- a term broadly defined as "a specific site, corresponding to a calling station in a dispersed private telephone system." NPRM, Appendix C, §§ 68.106(f)(4) and 68.1.

¹² We also note that the proposed rules would require private switching systems to maintain a sufficient number of E-911 trunks to guarantee a P=0.01 grade of service. NPRM, Appendix C, § 68.320(d). One member company operating a 5,000-station facility reports that it typically experiences no more than one call to 911 per calendar quarter, a level of usage that hardly warrants the 50 trunks that the rules would mandate. See Amendment of the Commission's Rules to Define Effective Means for Interworking of Customer Premises Equipment and Public Enhanced 9-1-1- Systems, RM 8143, Comments of BellSouth Telecommunications, Inc. at 2 (noting that dedicated trunk requirements may produce an inefficient network architecture) (filed January 28, 1993).

particular, the Commission has given no indication of how the costs of implementing the proposed rules will be borne and recovered. Undoubtedly businesses will be required to bear increased equipment costs when they purchase PBXs or similar equipment meeting the requirements. But it is not clear from the NPRM who is expected to bear the costs of:

- storing the station location data base
- converting existing location information into a format that would be usable to public safety agencies
- developing and implementing security measures to prevent unauthorized access to the data base

If the Commission intends these costs to be borne by all owners of telephone systems, it should state so explicitly so that the public may comment on that aspect of the proposal.¹³

Similarly, the Commission has not addressed which of the following obligations must be borne by the PBX or other multi-line system owner, the local exchange carrier or, for that matter, the public safety agency:

- ensuring that the information contained in the station location data base will be in a form useful to non-company personnel
- updating the data base whenever a telephone number is assigned to a new location¹⁴
- protecting the privacy of the information stored there

¹³ On a related matter, the Commission notes that its proposal affects PBX owners but not subscribers to telephone company Centrex services. NPRM, ¶ 58. The Commission's rules should not create an incentive in favor of Centrex by imposing obligations on PBX owners that are not shared by Centrex subscribers.

¹⁴ As noted above, many businesses prefer to move telephones along with employees, rather than keeping the phones stationary and updating company phone directories; maintenance of an accurate database may be difficult in companies experiencing frequent moves.

- preventing unauthorized access to the data base
- protecting the Customer Proprietary Network Information that the data base represents from unauthorized use¹⁵

Of concern here is not only who shall bear the cost of undertaking these activities, but who shall bear the risk of legal liability in the event of errors or omissions.¹⁶

**V. The Commission Should Seek Guidance on The
Issues Raised by the NPRM Through Establishment
of an Advisory Committee**

Businesses organize the physical layout of their factories, stores, workshops, laboratories, offices, etc. to serve various unique operational needs; telephone systems are configured to serve those needs as well. We are hard-pressed to identify specific modifications to the proposed rules that would encompass the enormous variety that characterizes the workplaces served by PBXs and other multi-line telephone systems. Indeed, the Commission itself acknowledges that its proposal may be excessive in some cases, but its suggested modification -- an exception for "a physically small location, such as a single story building" -- only highlights the difficulty of the task the Commission has set for itself.¹⁷ As anyone who has visited an aircraft hanger or an

¹⁵ The information provided by a business customer to a local telephone company under the proposed rules -- PBX location, station location/identification -- is proprietary to the customer and may not be used by the telephone company to market its Centrex services.

¹⁶ See note 7 above and accompanying text.

¹⁷ NPRM, Appendix B, Initial Regulatory Flexibility Analysis.

automobile assembly plant can attest, a "single-story building" may cover a lot of territory.

It is precisely because of this diversity that the expert agencies that regulate workplace safety develop their rules on an industry-specific basis. For example, the Occupational Safety and Health Administration has promulgated rules governing the reporting of workplace emergencies in the construction industry.¹⁸ Likewise, the Department of Defense has developed emergency reporting procedures for the Biological Defense Safety Program,¹⁹ and the Federal Aviation Administration has comparable procedures for airports.²⁰ In addition, companies have received waivers of these and similar agency rules based on procedures involving the establishment of emergency programs in which trained, on-site personnel take all calls for assistance and determine whether to contact a public agency.²¹ The rules proposed by the Commission here could undermine -- or be undermined by -- the efforts of these agencies.

The Commission should solicit the advice of these and other public agencies with expertise in the area of workplace safety and should secure input

¹⁸ 29 C.F.R. § 1926.159 (1994) (mandating alarm systems, action plans, emergency reporting procedures, and the priority of emergency messages where the alarm system is incorporated in the telecommunications systems, for the construction industry).

¹⁹ 32 C.F.R. § 627.6 (1994) (mandating the establishment of emergency response plans including coordination with emergency response groups and communications procedures to respond to emergencies in the Department's Biological Defense Program).

²⁰ 14 C.F.R. Part 139.94 (1994) (mandating emergency notification procedures for aircraft incidents, including coordination between on-site and public safety personnel, rescue squads, military installations, government agencies, etc.).

²¹ See, e.g., Grant of Variance to Envirosafe Services Inc., 59 Fed. Reg. 29440 (1994).

from a broad range of businesses about "best practices" in their particular industries. A Federal Advisory Committee would be an appropriate vehicle to gather and compile this information. The Congress has found that such committees "are frequently a useful and beneficial means of furnishing expert advice, ideas, and diverse opinions to the Federal Government."²² In recent years, the Commission has relied on advisory committees to:

- "assist the Common Carrier Bureau in the development and implementation of an electronic filing system"²³
- "provide recommendations to the Commission that will help prevent network outages or limit their impact"²⁴
- "negotiate regulations to specify the requirements for hearing aid compatible (HAC) telephones in workplaces, hospitals, certain other health facilities, prisons, hotels and motels."²⁵
- "advise the FCC on small business issues by reviewing existing rules and policies, recommending changes, and promoting opportunities for small and minority business in existing and new telecommunications services."²⁶

In conclusion, we strongly urge the Commission to re-examine the proposed rules in light of the shortcomings identified above and to establish an

²² 5 U.S.C. Appendix 2, § 2(a) (USCA 1994 Supp.).

²³ *Public Notice*, 9 FCC Rcd 1293 (1994).

²⁴ *Public Notice*, 1991 FCC LEXIS 6622 (December 13, 1991).

²⁵ *Public Notice*, 59 Fed. Reg. 60343 (November 23, 1994).

²⁶ *Public Notice*, 1993 FCC LEXIS 1824 (April 7, 1993).

advisory committee of representatives from businesses and regulatory bodies
with relevant expertise to recommend appropriate requirements.

Respectfully submitted,

A handwritten signature in cursive script, reading "Ellen G. Block".

James S. Blaszk

Ellen G. Block

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